XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(13)

मामला क्रमांक MAC 220/06 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	APPELLANT: CLAIMENT	Bachchu Ram Kurre, S/o Late Ramdayal Kurre, Aged about 48 yrs., R/o Mohada Bazar, P.S. Amanaka Raipur, Tah & Distt. Raipur (C.G.)
		Versus
	RESPONDENTS:	1. Chhatrapal Singh Thakur, S/o Punni Singh Thakur, Aged about 25 years, R/o M.I.G.62, Veer Sawarkar Nagar, Raipur, Tah. & Distt. Raipur (C.G.) 2. Mesors O.P. Satyapal Constractors, R/o M.I.G. 62, Veer Sawarkar Nagar, Raipur, Tah. & Distt. Raipur. 3. The United India Insurance Co. Ltd., Branch Office Stadium Road, T.P. Nagar, Korba, Through Divisional Manager, Divisional Office, Kachahari Chowk, Jail Road, Raipur (C.G.)
	Present:- Shri S.C. Verma, counsel for the appellant.	
	ORAL ORDER (Passed on 20-3-2007)	

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(TY)

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

The appellant has preferred this appeal under Section 173 of the M.V. Act, questioning legality and correctness of the award dated 20th July 2006 passed by the Additional Motor Accidents Claims Tribunal, Raipur, in claim case No.66/2006 filed by the appellant herein. The claimant claimed Rs.14,50,000/-.

The case of the claimant was that respondent No.1 was driving truck bearing registration No.C.G.-12/ZC-1830 at a high speed, dashed against the appellant, as a result of which he sustained fracture in the right leg. He also sustained injury in the left ear. He was operated in the Dr. Ambedkar Hospital, remained in the hospital in which he incurred expenditure of Rs.20,000/-. He used to earn Rs.200/- per day. He has become permanent disable. Para-10 of the award shows that the appellant was not able to adduce evidence regarding fracture. As per the X-ray report (Ex.-A/7) there was no fracture in the leg of the appellant. He has not examined any doctor to establish nature of the injuries and permanent disability sustained by him nor he adduced any evidence before the learned Tribunal to prove his case. Even in the said case, charge sheet against respondent No.1 was filed for commission of offence under Sections 279 and 337 of the I.P.C. Ultimately, the Tribunal reached to the conclusion that the applicant has not been able to prove his case,

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मामला क्रमांक ..... सन् 200

(15)

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश —3—	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

therefore, issue No.2 was decided against him. However, a sum of Rs.10,317/- has been awarded in favour of the appellant herein against medical and miscellaneous expenses incurred by the appellant.

Therefore, in view of the above, learned Tribunal after scrutinizing evidence adduced by the appellant herein has awarded just and fair compensation in favour of the appellant.

I do not find any illegality or infirmity in the impugned award. The appeal, is therefore, liable to be dismissed and it is hereby dismissed.

Sd/-
L.C. Bhadoo
Judge

Barve